

Chapter 23. Licensed Midwives
Subchapter A. General Provisions

' 2301. Scope of Chapter

The rules of this chapter govern the licensing of midwife practitioners to engage in the practice of midwifery in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:513 (August 1986).

' 2303. Definitions

As used in this chapter, the following terms shall have the meanings specified:

*Applicant*Ca person who has applied to the board for a license to engage in the practice of midwifery or for a permit as an apprentice midwife in the state of Louisiana.

*Application*Ca written request directed to and received by the board, upon forms supplied by the board, for a license or permit to practice midwifery in the state of Louisiana, together with all information, certificates, documents, and other materials required by the board to be submitted with such forms.

*Apprentice Midwife*Any person who is granted a permit to obtain the educational and clinical experience required to apply for a license.

*Board*Cthe Louisiana State Board of Medical Examiners.

*Certified Nurse-Midwife*Ca registered nurse who has been certified by the American College of Nurse-Midwives.

*Department*Cthe Louisiana Department of Health and Hospitals.

*Licensed Midwife Practitioner*Ca person who has completed all the requirements of the board including the prescribed education and experience, has passed the licensing examination, and is licensed to practice midwifery in the state of Louisiana.

*Louisiana Advisory Committee on Midwifery*Cthe committee constituted and appointed pursuant to R.S. 37:3242.

*Midwife*Ca person who gives care and advice to a woman during pregnancy, labor, and the postnatal period and who is capable of conducting vaginal deliveries in uncomplicated pregnancies on her own.

*Midwifery Instructor*Ca physician licensed to practice medicine in the state of Louisiana, certified nurse-midwife, or licensed midwife who has a formal training and supervisory relationship with an apprentice midwife.

*Physician*Ca person licensed to practice medicine who is actively engaged in a clinical obstetrical practice and has hospital privileges in obstetrics in a hospital accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO).

*Practice of Midwifery*Cholding oneself out to the public as being engaged in the business of attending, assisting, or advising a woman during the various phases of the interconceptional and childbearing periods, with the supervision of a physician who is actively engaged in a clinical practice of obstetrics and has hospital privileges in obstetrics in a JCAHO accredited hospital.

*Supervision of a Physician*Cthe client shall be seen by a physician for physical examination at least once during the first or second trimester of pregnancy and again at least once within the last four weeks of pregnancy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:513 (August 1986), amended LR 17:779 (August 1991).

Subchapter B. Qualifications for Licensure

' 2305. Scope of Subchapter

The rules of this subchapter govern the licensing of midwives who in order to become licensed midwife practitioners must meet all of the criteria provided by this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:513 (August 1986), amended LR 17:779 (August 1991).

' 2307. Qualifications for License

A. To be eligible for licensure as a licensed midwife, an applicant shall:

1. be at least 21 years of age and shall have graduated from high school;

2. be a citizen of or lawfully authorized to reside and be employed in the United States;
3. be currently certified in basic cardiopulmonary resuscitation (CPR);
4. have demonstrated competence in the basic sciences of human anatomy, human physiology, biology, psychology, and nutrition in the manner prescribed by ' 2353 of this chapter;
5. have completed a course of study in the theory of pregnancy and childbirth as provided by ' 2355;
6. have met, within four years prior to the date of application, the following requirements for practical clinical experience prescribed by ' 2357 of this chapter;
7. have demonstrated professional competence in the practice of midwifery by passing an examination administered by the board; and
8. cause to be submitted to the board four written recommendations of the applicant for licensure, one by a physician or certified nurse-midwife, one by a licensed midwife, one by a consumer of midwifery services, and one by a member of the community in which the applicant resides.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:513 (August 1986), amended LR 17:779 (August 1991).

' 2309. Procedural Requirements

In addition to the substantive qualifications specified in ' 2307, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by ' ' 2311 to 2315 of this chapter and the procedures and requirements for examination administered by the board provided by ' ' 2319 to 2333 of this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986).

Subchapter C. Application

' 2311. Purpose and Scope

The rules of this subchapter govern the procedures and requirements applicable to application to the board for licensure as a licensed midwife practitioner in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991).

' 2313. Application Procedure

A. Application for unrestricted licensing shall be made upon forms supplied by the board.

B. An initial application must be received by the board on or before March thirty-first if the applicant desires to sit for the June administration of the licensure examination, or on or before August thirty-first if the applicant desires to sit for the December administration of the examination. Completed applications must be received by the board on or before April thirtieth or October thirty-first respectively, in order for an applicant to be eligible to sit for the June or December administration of the examination.

C. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the board, Suite 100, 830 Union Street, New Orleans, LA, 70112. Application forms will be mailed by the board within 30 days of the board's receipt of request therefor. To ensure timely filing and completion of application, forms must be requested not later than 40 days prior to the deadlines for initial application specified in ' 2313.B.

D. An application for licensing under this chapter shall include:

1. proof, documented in a form satisfactory to the board as specified by the secretary, that the applicant possesses the qualifications set forth in this chapter;
2. three photographs of the applicant; and
3. such other information and documentation as the board may require to evidence qualification for licensing.

E. All documents required to be submitted to the board must be the original thereof. For good cause shown, the board may waive or modify this requirement.

F. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion, require a more

detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

G. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 81 of these rules.

H. Upon submission of or concurrently with submission of a completed application, an applicant shall, by appointment, make a personal appearance before the board, or its designee, as a condition to the board's consideration of such application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991).

' 2315. Effect of Application

A. The submission of an application for licensing to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant has applied for license, permit, certificate, or registration, each physician or certified nurse-midwife who has supervised the applicant's clinical experience, each person, firm, corporation, trainer, education service, or institution from whom the applicant has received instruction in the basic sciences or the theory of pregnancy and childbirth, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization or specialty board to which the applicant has applied for membership to disclose and release to the board any and all information and documentation concerning the application which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensing to the board shall equally constitute and operate as a consent by the applicant to the disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensing to the board, an applicant shall be deemed to have given his or her consent to submit to physical or mental examinations if, when and in the manner so directed by the board and to waive all objections as to the admissibility or disclosure of findings, reports, or recommendations pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

C. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations, or governmental entities pursuant to ' 2315.A or B to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefore, including, without limitation, the midwife licensing authority of any state; the Federal Drug Enforcement Agency; the Louisiana Office of Narcotics and Dangerous Drugs, Division of Licensing and Registration, Department of Health and Hospitals; and Federal, state, county or parish, and municipal health and law enforcement agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991).

Subchapter D. Examination

' 2317. Scope of Examination

The examination administered by the board pursuant to R.S. 37:3244(C)(4) shall be administered by the board in two parts. A written examination shall be administered to test the applicant's knowledge of basic sciences, theory regarding pregnancy and childbirth, and clinical judgment in licensed midwifery management. A practical examination shall be administered to test the applicant's mastery of skills necessary for the practice of licensed midwifery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991).

' 2319. Eligibility for Examination

To be eligible for examination by the board, an applicant shall possess all qualifications for licensure prescribed by ' 2307.A, save for the examination requirement itself. Satisfactory evidence shall include verification by the physician, or certified nurse-midwife or licensed midwife who supervised the applicant's clinical experience that the applicant has evidenced the skills essential to the practice of midwifery during her apprenticeship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991).

' 2321. Dates, Places of Examination

The board's examinations are administered semiannually, in June and December, in the city of New Orleans. Applicants shall be advised of the specific dates, times, and locations of the next scheduled examination upon application to the board and may obtain such information upon inquiry to the office of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991).

' 2323. Administration of Examination

A. The board's examinations are administered by a chief proctor, appointed by the board, and several assistant proctors. The chief proctor is authorized and directed by the board to obtain positive photographic identification from all applicants appearing and properly registered for the examination, to establish and require examinees to observe an appropriate seating arrangement, to provide appropriate instructions for taking the examination, to fix and signal the time for beginning and ending the several sections of the examination, to prescribe such additional rules and requirements as are necessary or appropriate to the taking of the examination in the interest of the examinees or the examination process, and to take all necessary and appropriate actions to secure the integrity of the examination and the examination process, including without limitation, excluding an applicant from the examination or changing an applicant's seating location at any time during the examination.

B. An applicant who appears for examination shall:

1. present to the chief proctor or his designated assistant proctor proof of registration for the examination and positive personal photographic and other identification in the form prescribed by the board; and
2. fully and promptly comply with any and all rules, procedures, instructions, directions, or requests made or prescribed by the chief proctor or any assistant proctor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986).

' 2325. Subversion of Examination Process

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in ' 2329 of this subchapter.

B. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include:

1. refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by the chief proctor or an assistant proctor;
2. removing from the examination room or rooms any of the examination materials;
3. reproducing or reconstructing, by copying, duplication, written notes, or electronic recording, any portion of the examination;
4. selling, distributing, buying, receiving, obtaining, or having unauthorized possession of a future, current, or previously administered examination;
5. communicating in any manner with any other examinee or any other person during the administration of the examination;
6. copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;
7. having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed, or recorded materials or data of any kind;
8. impersonating an examinee by appearing for and as an applicant and taking the examination for, as and in the name of an applicant other than himself;
9. permitting another person to appear for and take the examination on one's behalf and in one's name; or
10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986).

' 2327. Finding of Subversion

A. When during the administration of examination, the chief proctor or any assistant proctor has reasonable cause to believe that an applicant-examinee is engaging or attempting to engage, or has engaged or attempted to engage, in conduct which subverts or undermines the integrity of the examination process, the chief proctor shall take such action as he deems necessary or appropriate to terminate such conduct and shall report such conduct in writing to the board.

B. In the event of suspected conduct described by ' 2325.B.5 or 6, the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board, upon information provided by the chief proctor an assistant proctor, an applicant-examinee or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by ' 2329 of this subchapter and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-58 and applicable rules of the board governing administrative hearings. Unless waived by the applicant, the board's findings of fact, its conclusions of law under these rules and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991).

' 2329. Sanctions for Subversion of Examination

A. An applicant who is found by the board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and for permit to be an apprentice or for licensure as a licensed midwife practitioner in the state of Louisiana.

B. An applicant-examinee who is found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be deemed to have failed the examination. Such failure shall be recorded in the official records of the board.

C. In addition to the sanctions permitted or mandated by ' 2329.A or B, as to an applicant-examinee found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examining process, the board may:

1. revoke, suspend, or impose probationary conditions on any license or permit issued to such applicant;
2. disqualify the applicant, permanently or for a specified period of time, from eligibility for permit or licensure in the state of Louisiana; or
3. disqualify the applicant, permanently or for a specified number of subsequent administrations of the examination, from eligibility for examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991).

' 2331. Passing Score

An applicant will be deemed to have successfully passed the examination if a score of at least 75 percent is attained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991).

' 2333. Restriction, Limitation on Examinations

A. A passing score must be attained by an applicant upon completion of all sections of the examination taken during a single administration of the entire examination. An applicant who fails the examination but who meets all other requirements may retake the examination three additional times, provided, however, that an applicant who has failed the examination on two occasions shall not be eligible to take the examination thereafter until the applicant has completed not less than three months of additional educational or clinical instruction, courses, or programs as prescribed and approved by the board.

B. An applicant having failed to attain a passing score upon taking the examination four times shall not be

considered for permit or licensing and shall not be eligible to take the examination again.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991).

' 2335. Lost, Stolen, or Destroyed Examinations

A. The submission of an application for examination by the board shall constitute and operate as an acknowledgment and agreement by the applicant that the liability of the board, its members, employees and agents, and the state of Louisiana to the applicant for the loss, theft, or destruction of all or any portion of an examination taken by the applicant, prior to the reporting of scores thereon, other than by intentional act, shall be limited exclusively to the refund of the fees paid for examination by the applicant.

B. In the event that one or more of the sections of the examination taken by an applicant are lost, stolen, or destroyed prior to the reporting of the applicant's scores thereon, such applicant shall be permitted by the board to sit for and take such sections at either of the next two successively scheduled administrations of the examination, and such scores or averages as the applicant attains on such sections shall be averaged with the sections on which scores were previously reported in computing the applicant's score which shall be accepted by the board notwithstanding ' 2333.A of this subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986).

Subchapter E. Restricted Licensure, Apprentice Permits

' 2337. Restricted Licensure in General

A. With respect to applicants who do not meet or possess the practical experience requirements necessary for licensure, the board shall issue an apprentice permit which would authorize the applicant to obtain, under supervision, the required practical experience.

B. Receipt of an apprentice permit shall not be construed to provide any right or entitlement whatsoever to licensure as a licensed midwife practitioner or to engage in the independent practice of midwifery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

' 2339. Apprentice Permits

A. An apprentice permit authorizes the permit holder to obtain the practical experience required for licensure under the supervision of a physician, certified nurse-midwife, or licensed midwife.

B. An apprentice permit shall be issued by the board to an applicant who possesses all of the qualifications for licensure as a licensed midwife specified by ' 2307.A.1-3 of these rules and who submits to the board, on a form furnished or approved by the board, written verification of a contractual relationship with a physician, certified nurse-midwife, or licensed midwife who shall assume responsibility for instructing and supervising the apprentice in accordance with the rules and regulations of this chapter and of Chapter 53 of these rules.

C. A senior apprentice permit shall be issued by the board to an applicant who:

1. possesses an apprentice permit;
2. provides documentation satisfactory to the board that he or she has clinical experience equivalent to not less than one-half of the experience prescribed by ' 2357 of these rules; and
3. causes to be submitted to the board the written certification and opinion of the applicant's supervising physician, certified nurse-midwife, or licensed midwife that the applicant has obtained sufficient theory and supervised clinical experience under the supervision of the midwifery instructor to permit general, rather than direct, supervision of the applicant's continuing clinical experience.

D. An apprentice permit shall expire and become null and void on any date that the apprentice's relationship with his or her supervising physician, certified nurse-midwife, or licensed midwife is terminated.

E. An apprentice permit shall be issued by the board within 15 days following the meeting of the board next following the date on which all of the requisite documented evidence is received by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

Subchapter F. License Issuance, Termination, Renewal, Reinstatement

' 2341. Issuance of License

A. If the qualifications, requirements, and procedures prescribed or incorporated by ' ' 2307 to 2309 are met to the satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of midwifery in the state of Louisiana.

B. A license issued under ' 2307 of this chapter shall be issued by the board within 30 days following the reporting of the applicant's score on the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

' 2343. Expiration of Licenses and Permits

A. Every license or permit issued by the board under this chapter, the expiration date of which is not stated thereon or provided by these rules, shall expire, and thereby become null, void, and to no effect, on the last day of March of the second calendar year following the year in which such license or permit was issued.

B. The timely submission of an application for renewal of a license, or a permit, as provided by ' 2345 of this chapter, shall operate to continue the expiring license or permit in full force and effect pending issuance or denial of the renewal license or permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

' 2345. Renewal of License

A. Every license issued by the board under this chapter shall be renewed biannually or on or before its date of expiration by submitting to the board an application for renewal, upon forms supplied by the board, together with the renewal fee prescribed in Chapter 81 of these rules.

B. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this chapter on or before the first day of December next preceding the date of expiration. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

C. Any person who files for renewal of licensure shall present a current certification in cardiopulmonary resuscitation (CPR) of the adult and newborn and shall be required to show proof of completion of 20 contact hours of continuing education as approved by the board, in accordance with ' ' 2361-2364 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

' 2347. Revocation of License

Except as provided by ' 2343.B of these rules, any license not renewed on or before its expiration date shall be revoked within 30 days of expiration following written notification by certified mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

' 2349. Reinstatement of License

A. A license which has been revoked may be reinstated upon application for reinstatement on forms supplied by the board.

B. Any person who files for licensure or reinstatement after the first day of April and before the first day of May of the year in which the license expires shall be required to pay a late fee of \$50 in addition to the applicable renewal fee.

C. Any person who has not filed for renewal or reinstatement of licensure by the first day of May next following the date of expiration shall be required to pay a late fee of \$100 if application for reinstatement is made within one year of the date of expiration or a fee of \$200 if application for reinstatement is made within two years of the date of expiration, provided that the applicant demonstrates satisfaction of the continuing education requirements prescribed by ' ' 2361-2364 of these rules. A midwife whose license has lapsed and expired for a period in excess of two years may apply to the board for an initial original license pursuant to the applicable rules of this chapter.

D. Upon application to the board made within the time prescribed for renewal of licensure, a midwife practitioner's license may be placed on inactive status for a maximum of four years. During the period that a midwife

practitioner's license is on inactive status, the midwife practitioner may not engage in the practice of midwifery in this state. The license of a midwife practitioner whose license is on inactive status may be reinstated to active status upon application to the board, provided that the applicant demonstrates satisfaction of the continuing education requirements prescribed by ' ' 2361B2364 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

Subchapter G. Education

' 2351. Courses of Study

Every applicant seeking licensure must successfully demonstrate competency in the basic sciences of human anatomy, human physiology, biology, psychology, and nutrition, as prescribed by ' 2353, and complete a course on the theory of pregnancy and childbirth, in clinical instructions in midwifery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

' 2353. Basic Sciences

Every applicant seeking licensure must, as a condition of eligibility for licensure, demonstrate cognitive competence in the basic sciences of human anatomy, human physiology, biology, psychology, and nutrition by evidencing successful completion of:

1. one college-level course in each of such subjects in an accredited college or university; or
2. such other educational instruction, courses, or programs in such subjects as may be approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

' 2355. Theory of Pregnancy and Childbirth

The board shall, on the advice of the Louisiana Advisory Committee on Midwifery, maintain and periodically revise a list of approved courses, texts, and trainers covering the subject matters which shall comprise a course of study in the theory of pregnancy and childbirth. The board may use the list as a guideline in determining the acceptability of a non-listed educational source which an applicant submits as complying with any required subject matter. All or part of the course may be obtained through self-study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991).

' 2357. Clinical Experience

A. Clinical experience in midwifery is required of every applicant for licensure and may be obtained in a variety of settings, including medical offices, clinics, hospitals, maternity centers, and in the home. Clinical experience must include instruction in basic nursing skills, including vital signs, perineal preparation, enema, urethral catheterization, aseptic techniques, administration of medication orally and by injection, local infiltration for anesthesia, administration of intravenous fluids, venipuncture, infant and adult resuscitation, fetal heart tones, edema, routine urinalysis, and curring and repair of episiotomy.

B. The clinical experience requisite to licensure shall include care of women in the antepartum, intrapartum, and postpartum periods. Clinical practice must include at least the following types of numbers of experiences (with outBofBhospital births making up at least one-half of the clinical experience):

1. 100 prenatal visits on at least 25 different women;
2. attendance at the labor and delivery of at least 15 live births as an observer or assistant attendant;
3. management of the labor and delivery of newborn and placenta for at least 15 births as the primary birth attendant;
4. 25 newborn examinations;
5. 25 postpartum evaluations of mother and baby in home or hospital within 36 hours of delivery;
6. five repairs of lacerations in addition to any practice on non-human subjects;
7. five observations of in-house births involving highBrisk obstetric care, provided, however, that this requirement may be waived by the board upon demonstration and documentation by the applicant that opportunity

for such observations was not reasonably available to the applicant notwithstanding the applicant's diligent, good faith efforts to obtain opportunity for such observations; and

8. observation of one complete series of at least six prepared childbirth classes offered by an approved provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991).

' 2359. Supervision of Clinical Experience

A. Apprentice licensed midwife practitioners must obtain their clinical experience under the immediate personal supervision of a physician, certified nurse-midwife, or a licensed midwife.

B. Senior apprentice midwives may obtain the clinical experience requisite to licensure under the direction and general supervision of a physician, certified nurse-midwife, or licensed midwife.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991).

Subchapter H. Continuing Education

' 2361. Scope of Subchapter; Continuing Education Requirement

A. The rules of this subchapter provide standards for the continuing education requisite to renewal of renewal of any license or permit issued under this chapter, as required by R.S. 37:3245 and ' 2345 of these rules, and prescribe the procedures applicable to documentation of continuing education in connection with application for renewal of licensure or permit.

B. To be eligible for renewal of licensure or apprentice permit, a licensed midwife or apprentice midwife shall document, upon forms supplied by the board, successful completion of not less than 20 contact hours of continuing education obtained since such license or permit was last issued, reinstated, or renewed. As used in this subchapter, "contact hour" means 50 to 60 minutes of participation in an organized learning experience under responsible sponsorship, capable direction, and qualified instruction, as approved by the board, or two hours of planned and supervised clinical practice designed to meet professional educational objectives.

C. To be acceptable as qualified continuing education under these rules, an activity or program must have significant intellectual, practical, or clinical content, dealing primarily with matters related to midwifery, and its primary objective must be to maintain or increase the participant's competence as a midwife.

D. The following programs and activities are illustrative of the types of programs and activities which shall be deemed to be qualifying continuing education activities and programs for purposes of this subchapter, provided, in each case, that the activity or program meets the standards prescribed by ' 2361.A:

1. attendance at or participation in meetings, conferences, workshops, seminars, or courses, such as programs conducted, sponsored, or approved for continuing education credit by the American Medical Association, the American College of Obstetricians and Gynecologists, the American Nurse Association, the Association of Certified Nurse Midwives, and the Midwives Alliance of North America;

2. presentation or conduct of a course, seminar, or workshop sponsored by an organization or entity approved by the board, provided that such presentation is accompanied by thorough written materials or a comprehensive outline relating to the course, seminar, or workshop;

3. teaching of a course in or directly related to midwifery at an accredited educational institution, provided that such teaching is not performed in the ordinary course of the licensed midwife's or apprentice midwife's usual and ordinary employment;

4. publication, in a national, regional, or statewide scientific journal or other publication of a related profession, of an original written work, related to the maintenance or improvement of midwifery knowledge or skills;

5. completion of a course of postsecondary, graduate, or postgraduate study undertaken and completed at an accredited educational institution;

6. assuming responsibility for and discharging supervision of an apprentice for not less than six months.

E. The Louisiana Advisory Committee on Midwifery (the "Advisory Committee") shall have the authority and responsibility to:

1. evaluate organizations and entities providing or offering to provide continuing education programs for licensed midwives and apprentice midwives and provide recommendations to the board with respect to the board's recognition and approval of such organizations and entities as sponsors of qualifying continuing education

programs and activities;

2. review documentation of continuing education by licensed midwives and apprentice midwives, verify the accuracy of such information, and evaluate and make recommendations to the board with respect to whether programs and activities evidenced by applicants for renewal of certification comply with and satisfy the standards for such programs and activities prescribed by these rules; and

3. request and obtain from applicants for renewal of licenses and permits such additional information as the Advisory Committee may deem necessary or appropriate to enable it to make the evaluations and provide the recommendations for which the Advisory Committee is responsible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991).

' 2362. Documentation Procedure

A. A form for documenting and certifying the completion of continuing education as required by these rules shall be mailed by the board to each licensed midwife and apprentice midwife subject to continuing education requirements with the application for renewal of license/permit form. Such form shall be completed and delivered to the board with the licensed midwife's or apprentice midwife's renewal application.

B. Certification of continuing education activities shall be referred to the Advisory Committee for its evaluation and recommendations pursuant to ' 2361.E.2. If the Advisory Committee determines that an activity certified by an applicant for renewal in satisfaction of continuing education requirements does not qualify for recognition by the board or does not qualify for the number of continuing education contact hours claimed by the applicant, the board shall give notice of such determination to the applicant for renewal and the applicant may appeal the Advisory Committee's recommendation to the board by written request delivered to the board within 10 days of such notice. The board's decision with respect to approval and recognition of any such activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991).

' 2363. Failure to Satisfy Continuing Education Requirements

An applicant for renewal of a license or permit who fails to evidence satisfaction of the continuing education requirements prescribed by these rules shall be given written notice of such failure by the board. The license or permit of the applicant shall remain in full force and effect for a period of 60 days following the mailing of such notice, following which it shall be deemed expired, unrenewed, and subject to revocation without further notice, unless the applicant shall have, within such 60 days, furnished the board satisfactory evidence, by affidavit, that:

1. the applicant has satisfied the applicable continuing education requirements;
2. the applicant is exempt from such requirements pursuant to these rules; or
3. the applicant's failure to satisfy the continuing education requirements was occasioned by disability, illness, or other good cause as may be determined by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991).

' 2364. Waiver of Requirements

The board may, in its discretion and upon the recommendation of the Advisory Committee, waive all or part of the continuing education required by these rules in favor of a licensed midwife or apprentice midwife who makes written request for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding satisfaction of the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991).

Subchapter I. Prohibitions and Revocation of License

' 2365. Unlawful Practice

No person shall use in connection with his or her name or place of business the words "licensed midwife," "licensed midwife practitioner," the initials "LM," "LMP" or any other words, letters, or insignia indicating or implying that he or she is a licensed midwife practitioner or represent himself or herself as such in any way orally, in

writing, in print, or by sign directly or by implication unless he or she has been licensed as such under the provisions of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991).

' 2367. Revocation of License

A. The board may refuse to issue, suspend for a definite period, or revoke a license for any of the following causes:

1. dereliction of any duty imposed by law;
2. incompetence as determined by local midwifery standards;
3. conviction of a felony;
4. practicing while suffering from a communicable disease, as defined by R.S. 2:0001, which may be spread to a pregnant woman or to her newborn child during delivery or after birth;
5. practicing under a false name or alias;
6. violation of any of the standards of practice set forth herein;
7. obtaining any fee by fraud or misrepresentation;
8. knowingly employing, supervising, or permitting, directly or indirectly, any person or persons not an apprentice or licensed midwife to perform any work covered by these regulations;
9. using or causing or promoting the use of any advertising matter, promotional literature, testimonial, or any other representation, however disseminated or published, which is misleading or untruthful;
10. representing that the service or advice of a person licensed to practice medicine will be used or made available when that is not true or using the words "doctor," or similar words, abbreviations, or symbols so as to connote the medical profession, when such is not the case;
11. permitting another to use the license;
12. delinquency in submission of application and supporting documents for license renewal of 30 days or more;
13. obtaining licensure by means of fraud, misrepresentation, or concealment of material facts;
14. fraud or deceit in connection with services rendered; or
15. violating any lawful order, rule, or regulation rendered or adopted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991).

' 2369. Penalties

A. If a person licensed to practice midwifery under the provisions of these regulations is found guilty of violating any provisions of these regulations, the board may fine the midwife a sum of not more than \$1,000 and may suspend or revoke the license of the midwife practitioner.

B. The board may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provisions of these regulations. In a suit for injunction, the court may issue a fine of not less than \$100 against any person found in violation of the provisions of these regulations plus court costs and attorney's fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991).

' 2371. Hearing

Any person who is disciplined or denied a license or has a license suspended or revoked or is otherwise penalized under these regulations will be notified in writing and afforded the opportunity of a hearing conducted pursuant to the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:518 (August 1986).

' 2373. Persons Not Affected

Any person authorized by the Louisiana State Board of Nursing to practice as a certified nurse-midwife in the state shall not be affected by the provisions of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:3241-3257.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:518 (August 1986).